

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
OCTOBER 20, 2015**

Pursuant to adjournment of the City Council meeting held October 6, 2015, and the call of the Mayor, the Driggs City Council met **Tuesday, October 20, 2015**, at 7:30 p.m. A roll call was taken and present were Council Members: Greer Jones, Ralph Mossman, August Christensen, and Wade Kaufman; Mayor Hyrum Johnson, City Attorney Stephen Zollinger, Public Works Director Jared Gunderson, Financial Officer Carol Lenz, and City Clerk Kreslyn Schuehler. Council Member Jones led the Pledge of Allegiance.

APPROVAL OF MINUTES

Council Member Mossman made a motion to approve the minutes from the City Council Meeting on September 30, 2015. Council Member Christensen seconded the motion. The motion passed with all in favor.

CLAIMS

Council Member Mossman made a motion to approve the claims as presented for September 30, 2015. Council Member Christensen seconded the motion.

The Council reviewed the claims.

The above motion passed with all in favor.

Council Member Jones made a motion to approve the claims as presented from October 1, 2015 through October 20, 2015. Council Member Mossman seconded the motion.

The Council reviewed the claims.

The above motion passed with all in favor.

AFFIRM OCTOBER 6, 2015 CONTRACT APPROVALS WITH A ROLL CALL VOTE

Mayor Johnson informed the Council that all contracts were approved at the previous meeting. However, they were not approved with a roll call vote.

Council Member Jones made a motion to affirm the contract approvals with a roll call vote from October 6, 2015 which include the Idaho Department of Labor WDTF Micro-Grant Contract, the Idaho Transportation Department Bus Storage Grant Agreement: Amendment 1, the Idaho Transportation Department Targhee Shuttle Grant Agreement: Amendment 1, the Teton County Idaho Sheriff's Office: Additional Coverage Agreement, the Teton Geotourism Center Management Agreement: Amendment for Teton Valley Business Development Center Sublease and the Teton Valley Business Development Center WDTF Project Performance Agreement. Council Member Kaufman seconded the motion. A roll-call vote was taken: Council Member Jones, aye;

Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

AFFIRM OCTOBER 6, 2015 ADOPTION OF RESOLUTION #308-15: WATER, SEWER, GENERAL AND LAND USE APPLICATION FEES WITH A ROLL CALL VOTE

Council Member Mossman made a motion to affirm the adoption of Resolution #308-15 Water, Sewer, General and Land Use Application Fees that was approved October 6, 2015. Council Member Jones seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

HEAR REQUEST FROM RAD RECYCLING TO REVIEW PROCUREMENT PROCESS FOR 2006 FRANCHISE AGREEMENT FOR WASTE COLLECTION TO DETERMINE VALIDITY OF PROCESS AND AGREEMENT

Dave Hudacsko, owner of RAD Curbside, spoke to the Council. He requested the Council review the procurement process because he believed it was not done according to Idaho State Statutes. He stated the process was set by Idaho Code in 2005 and the agreement with Voorhees was completed in 2006.

Stephen Zollinger, City Attorney, confirmed the law was changed in 2005 and required franchise agreements to be passed by an ordinance. He further stated he felt the city could correct the error without granting the agreement null and void. He concluded by stating the agreement in 2006 was a renewal agreement and recommended further research be done to determine any inconsistencies and to find a legal remedy.

CONSIDER CONTRACT WITH ARNOLD MACHINERY COMPANY FOR THE SNOW REMOVAL EQUIPMENT AT THE AIRPORT (CONTINUED FROM OCTOBER 6, 2015)

Council Member Kaufman made a motion to approve the contract and performance bond and direct the Mayor to execute the contract on behalf of the Airport. Council Member Mossman seconded the motion.

Jared Gunderson, the Public Works Director, suggested the Council receive clarification on the type of plow that was to be obtained. He further stated the equipment on the contract and the bill of sales did not match.

Council Member Kaufman amended the above motion to approve the contract and performance bond and direct the Mayor to execute the contract on behalf of the Airport with the condition the city staff get clarification on what equipment was included before executing the contract. Council Member Mossman seconded the amended motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

RATIFY LEASE AGREEMENT 1088022 WITH YOST, INC FOR KYOCERA COPIER 3051CI#L855712146 AND MAINTENANCE AGREEMENT #23358

Mayor Johnson informed the Council that a new copier for the office had been leased. He further stated to purchase a new copier would be \$14,000 and the cost of the lease was \$3,000 per year.

Council Member Mossman made a motion to ratify the Lease Agreement 1088022 with Yost, Inc. for Kyocera Copier 3051ci # L855712145 and Maintenance Agreement #23358. Council Member Christensen seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

STAFF REPORTS

Jared Gunderson spoke with the Council regarding the pathway in front of Grande Rental. He introduced Jerry Madsen, owner of Grande Rental.

Mr. Madsen stated he had concerns about the pathway. The original plan was presented to him with the pathway at 49.6 feet from the center of the highway. He was upset that the frontage to his store would be taken and stated as the project progressed further, a drainage swale was add to both sides of the pathway. Mr. Madsen felt exceptions had been given to other businesses which allowed the pathway to be moved from the original layout and he did not feel it was fair.

Council Member Jones questioned if there was a specific standard that a bike path had to be from the highway. Mr. Gunderson stated it was 8-10 feet from the highway.

Mr. Madsen continuing stating he felt the City was “taking advantage” of his property. He requested the path continue the same distance from the highway that it was in front of the Forest Service building. He further questioned if a safety or traffic study was completed as he was concerned about the accesses.

Mr. Gunderson informed the Council that all changes would have to be approved by the Idaho Transportation Department and all previous changes had been approved by ITD, the Council and engineer.

Council Member Kaufman questioned if Mr. Madsen agreed to the pathway when the original plans were discussed with him. He responded that he did agree with the placement of the pathway. However, it was that same distance for the entire stretch and had now been changed in front of other businesses.

Stephen Zollinger reminded the Council that nothing had changed in respect to the property and pathway in front of Grande Rental from the original plan. He further warned that if the project was further delayed for changes it may not be completed this fall.

Council Member Christensen questioned which part of Mr. Madsen’s business would be hindered with the pathway placement. Mr. Madsen responded stating he was concerned with parking and storage.

Council Member Kaufman felt the issue and concerns came down to fairness and wanted to see if a change could be made at this time. Mr. Madsen again stated he would be fine if the line of the path continued as it was in front of the Forest Service building.

EXECUTIVE SESSION

Council Member Kaufman made a motion to go into executive session at 8:53pm pursuant to Idaho Code 74-206 regarding contracts and legal advice. Council Member Christensen seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

Council came out of Executive Session at 9:11pm.

Council Member Kaufman explained to Mr. Madsen that the Council recognized the concerns and issues. However, a decision could not be made without contacting the Idaho Transportation Department. He stated staff would contact the department as soon as the office opened the next day and discuss the possibilities to move the pathway. He concluded by stating if ITD did not approve of the changes, the pathway construction would have to move forward as it was currently planned.

WEST LITTLE AVENUE – CHANGE ORDER NO.7 TO DEPATCO CONTRACT

Council Member Jones made a motion to approve DePatco Change Order No. 7 for the West Little Avenue project as presented. Council Member Mossman seconded the motion.

Council Member Kaufman stated he did not feel the change should be paid for by the City as he recalled the city engineer “admitted it was an oversight.”

Council Member Kaufman made a motion to approve the DePatco Change Order No. 7 in the amount of \$2,100.19 with the instruction to discuss the ultimate liability. Council Member Mossman seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

NORTH SOUTH PATHWAY SECTION C- CHANGE ORDER NO. 2 TO KNIFE RIVER CONTRACT

Mayor Johnson stated the change order was needed because of over excavation and the contingency from all three pathway projects would cover the cost.

Council Member Christensen made a motion to accept Change Order No. 2 with Knife River in the amount of \$13,000 with instruction to discuss the ultimate liability. Council Member Kaufman seconded the motion. A roll-call vote was taken: Council Member

Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

NORTH SOUTH PATHWAY SECTION B – CHANGE ORDER NO. 1 TO CM OWEN CONTRACT

Mayor Johnson stated the items were approved by Council previously and the net credit would be \$529.57.

Council Member Mossman made a motion to accept Change Order No. 1 to the CM Owen Contract. Council Member Jones seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

MAYOR’S REPORT

The next City Council meeting should be moved due to the Elections. The Council decided to meet November 2, 2015 instead of November 3, 2015.

EXECUTIVE SESSION

Council Member Mossman made a motion to go into executive session at 9:53pm pursuant to Idaho Code 74-206 regarding contracts and legal matters. Council Member Jones seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

Council came out of Executive Session at 10:38pm.

ADJOURNMENT

Council Member Jones made a motion to adjourn. Council Member Mossman seconded the above motion. The motion passed with all in favor and the meeting was adjourned at 10:38pm.

ATTEST:

Kreslyn Schuehler, City Clerk

Mayor Hyrum Johnson